

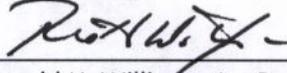


To the Honorable Council  
City of Norfolk, Virginia

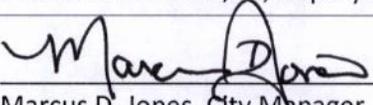
September 15, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: Amend conditions of a previously granted conditional rezoning at 1201 Colonial Avenue – George Yancey

Reviewed:   
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved:   
Marcus D. Jones, City Manager

Item Number: **PH-3**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of 6 to 0, the Planning Commission recommends approval subject to the modified conditions proffered by the applicant at the public hearing pertaining uses and hours of operation.
- III. **Request:** This request would allow the site to be used as a nonmedical office space.
- IV. **Applicant:** George Yancey
- V. **Description:**
  - In 1998 the HC-G3 district was created and this site was rezoned from HC-G2 to HC-G3 to allow the introduction of limited commercial uses.
    - The conditions of that rezoning limited the use of both this site as well as the adjacent structure to the north as an office.
  - In 2001 the conditions of the 1998 rezoning were modified to allow this site to operate as a retail establishment (doll houses/accessories) and limited the use of the structure to the north as residential.
  - The current request would allow the use of this site to revert back to an office.
    - Office is a permitted use in the HC-G3 district.
  - This site was most likely constructed as a commercial structure and has been used for commercial uses for over 50 years.
  - In the immediate area there are several other limited commercial uses.
  - The use of the site as an office would not negatively impact the surrounding neighborhood.

Staff point of contact: Susan Pollock at 664-4765, [susan.pollock@norfolk.gov](mailto:susan.pollock@norfolk.gov)

Attachments:

- Staff Report to CPC dated August 27, 2015 with attachments
- Proponents and Opponents
- Ordinances

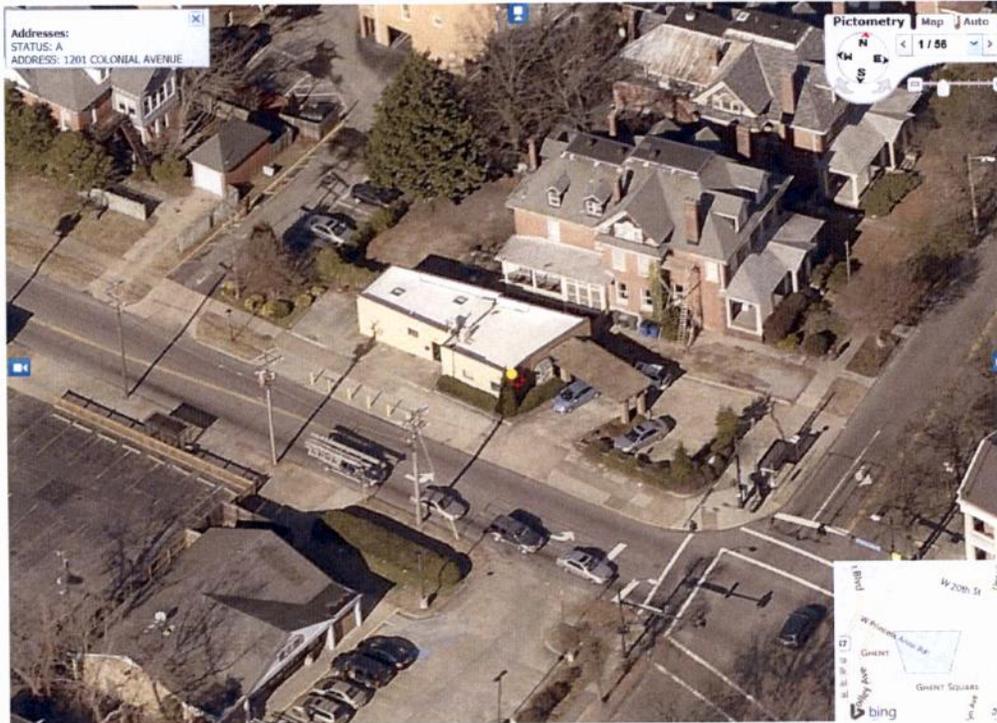


## Planning Commission Public Hearing: August 27, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Susan Pollock Hart, CFM

<b>Staff Report</b>	<b>Item No.</b> 6	
<b>Address</b>	1201 Colonial Avenue	
<b>Applicant</b>	George A. Yancey	
<b>Request</b>	<b>Conditional Zoning Change</b>	<b>Change the conditions of a prior conditional rezoning</b>
<b>Property Owner</b>	George A. Yancey	
<b>Site Characteristics</b>	Site Area/Building	4,869/1,369 sq. ft.
	Zoning	Conditional HC-G3 (Ghent Historic Cultural and Conservation) District
	Neighborhoods	Ghent
	Character District	Traditional
<b>Surrounding Area</b>	North	Conditional HC-G3: Single-Family Home
	East	PDMU-4 (Planned Development Mixed Use): Multi-Family
	South	HC-G2: 7-Eleven, Religious Institution
	West	HC-G2: Medical Office, Condominiums



## A. Summary of Request

This rezoning would allow the operation of an office at this location.

## B. Plan Consistency

- *plaNorfolk2030* designates this site as residential mixed, making the proposed use inconsistent with *plaNorfolk2030*.
  - The identifying land use strategies chapter of *plaNorfolk2030* identifies the residential mixed land use category as a location for a variety of residential uses in walkable neighborhoods with buildings that are similar in scale no matter the use.
  - The identifying land use strategies chapter also calls for supporting mixed use development in appropriate locations in the residential mixed category.
- Since the HC-G3 zoning district permits commercial uses and mixed uses are considered appropriate within the residential mixed land use category, the proposed change in conditions are appropriate despite the inconsistency with the *plaNorfolk2030* future land use map.

## C. Zoning Analysis

### i. General

- The building on this site was constructed in 1932 and although it was zoned HC-G2, which allows only residential, it has been occupied by commercial users since the 1970's.
- In 1983 and 1997 special exceptions allowing for a change from one nonconforming use to another, were granted:
  - 1983: A special exception was granted to allow for the site to change from a restaurant to a dry cleaner.
  - 1997: A special exception was granted to allow for the site to change from a dry cleaner to an office.
- In 1998 the HC-G3 district was created and this site was rezoned from HC-G2 to HC-G3 to allow the introduction of limited commercial uses.
  - The conditions of that rezoning limited the use of both this site as well as the adjacent structure to the north as an office.
- In 2001 the conditions of the 1998 rezoning were modified to allow this site to operate as a retail establishment (doll houses/accessories) and limited the use of the structure to the north as residential.
- The current request would allow the use of this site to revert back to an office.
  - Office is a permitted use in the HC-G3 district.
- This site was most likely constructed as a commercial structure and has been used for commercial uses for over 50 years.
- In the immediate area there are several other limited commercial uses.
- The use of the site as an office would not negatively impact the surrounding neighborhood.

ii. Parking

There is sufficient on-site parking to accommodate this establishment.

iii. Flood Zone

The majority of the property is located in the X (Shaded) with two of the corners located in the AE Flood Zone, which is a high risk flood zone.

**D. Transportation Impacts**

N/A

**E. Impact on the Environment**

The conversion of the site from a retail establishment to an office would not have any impact on the environment.

**F. Impact on Surrounding Area/Site**

- The site has been used for commercial purposes for over 50 years.
- There are other limited commercial and institutional uses in the area and an office would not negatively impact the surrounding area.

**G. Payment of Taxes**

The owner of the property is current on all real estate taxes.

**H. Financial Impact**

The site has been vacant for some time and its reuse could add to the City's tax roll.

**I. Civic League**

- Notice was sent to the Ghent Neighborhood League and the Ghent Business Association on July 15
- A letter of support was received from the Ghent Neighborhood League on July 22

**J. Communication Outreach/Notification**

- Legal notice was posted on the property on July 14.
- Legal notification was placed in *The Virginian-Pilot* on August 13 and August 20.
- Letters were mailed to all property owners within 300 feet of the property on August 14.

**K. Recommendation**

Staff recommends that the conditions of the conditional rezoning be **approved**.

**Attachments:**

Location Map

Zoning Map

Application

Notice to the Ghent Neighborhood League and the Ghent Business Association

**Proponents and Opponents**

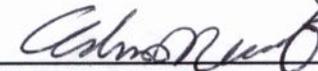
**Proponents**

George Yancey  
1201 Colonial Avenue  
Norfolk, VA 23517

**Opponents**

None

Form and Correctness Approved:

By   
Office of the City Attorney

Contents Approved:

By   
DEPT.

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE TO REZONE PROPERTY LOCATED AT 1201 COLONIAL AVENUE IN ORDER TO CHANGE CONDITIONS ON PROPERTY ZONED CONDITIONAL HC-G3 (GHENT HISTORIC AND CULTURAL CONSERVATION DISTRICT) DISTRICT.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the property located at 1201 Colonial Avenue is hereby rezoned from conditional HC-G3 (Ghent Historic and Cultural Conservation District) District to HC-G3 (Ghent Historic and Cultural Conservation District) District in order to change the applicable conditions. The property is more fully described as follows:

Property fronting 48 feet, more or less, along the western line of Colonial Avenue and 140 feet, more or less, along the northern line of West Princess Anne Road; premises numbered 1201 Colonial Avenue.

Section 2:- That the properties rezoned by this ordinance shall be subject to the following conditions:

- (a) The property shall only be used for an office use, with the exception of a medical office or medical clinic which uses are specifically prohibited.
- (b) The hours of operation for the office use shall be limited to 9:00 a.m. until 9:00 p.m., seven days per week.
- (c) Any alterations to the exterior will be subject to review by the City's Architectural Review Board or design review process.

Section 3:- That the official Zoning Map for the City of Norfolk is hereby amended and reordained so as to reflect this rezoning.

Section 4:- The Council hereby finds that this zoning amendment is required by public necessity, convenience, general welfare, or good zoning practice.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

**Location Map**



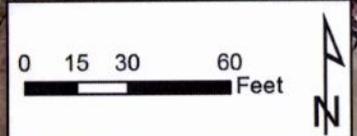
**GEORGE A. YANCEY**

STOCKLEY GARDENS

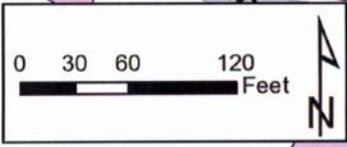
COLONIAL AVENUE

W PRINCESS ANNE ROAD

GRAYDON AVENUE



# Zoning Map





**APPLICATION  
CHANGE OF ZONING**

Date of application: July 13, 2015

**Change of Zoning**

From: HCG3 Zoning To: Conditional  
HCG3 Zoning

**DESCRIPTION OF PROPERTY**

Property location: (Street Number) 1201 (Street Name) Colonial Avenue

Existing Use of Property: Law offices

Current Building Square Footage 1350

Proposed Use \_\_\_\_\_

Proposed Building Square Footage 1350

Trade Name of Business (If applicable) Law offices of G. Anthony Yancey

**APPLICANT**

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Yancey (First) George (MI) A.

Mailing address of applicant (Street/P.O. Box): 1201 Colonial Avenue

(City) Norfolk (State) VA (Zip Code) 23517

Daytime telephone number of applicant (757) 622-9466 Fax (757) 622-8243

E-mail address of applicant: legat@yer@aol.com

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508  
Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

**Application  
Rezoning  
Page 2**

**AUTHORIZED AGENT (if applicable)**

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) \_\_\_\_\_ (First) \_\_\_\_\_ (MI) \_\_\_\_\_

Mailing address of applicant (Street/P.O. Box): \_\_\_\_\_

(City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip Code) \_\_\_\_\_

Daytime telephone number of applicant ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_

E-mail address of applicant: \_\_\_\_\_

**PROPERTY OWNER**

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) Yancey (First) George (MI) A.

Mailing address of property owner (Street/P.O. box): 1201 Colonial Avenue

(City) Norfolk (State) VA (Zip Code) 23517

Daytime telephone number of owner (757) 622-9466 email: legal@her@aol.com

**CIVIC LEAGUE INFORMATION**

Civic League contact: Ms. Emily Birknes (President GNL)

Date(s) contacted: July 6, 8, and 10, 2015

Ward/Super Ward information: \_\_\_\_\_

**CERTIFICATION:**

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: George A. Yancey Sign: George A. Yancey 17-13-2015  
(Property Owner or Authorized Agent of Signature) (Date)

Print name: George A. Yancey Sign: George A. Yancey 17-13-2015  
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

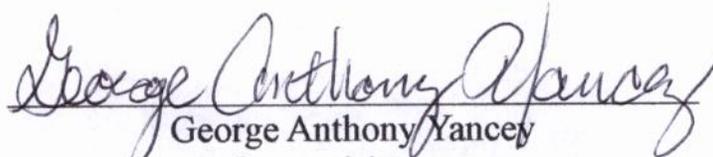
Print name: \_\_\_\_\_ Sign: \_\_\_\_\_  
(Authorized Agent Signature) (Date)

## PROFFERED CONDITIONS

The proffered conditions under Ordinance No. 40,439 will include only one change to subsection (a). The four proffered conditions will be as follows:

- (a) 1201 Colonial Avenue shall be used only as a law offices establishment.
- (b) 1207 Colonial Avenue shall only be used as a single-family residence.
- (c) The hours of operation for 1201 Colonial Avenue shall be from 9:00 a.m. until 5:00 p.m.; seven days a week.
- (d) Any alterations to the exterior will be subject to review by the Design Review Committee and the City Planning Commission.

This change has been initially approved by Emily Birknes, the president of the Ghent Neighborhood League (GNL), with final approval following a review of our rezoning application and attachments.

  
George Anthony Yancey  
Owner / Attorney

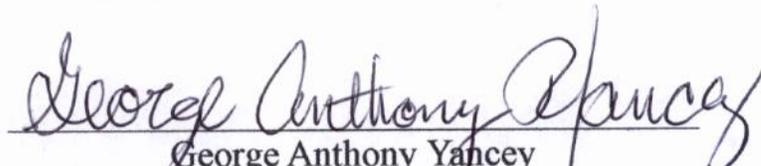
## PURPOSE OF REZONING

I am the new owner of 1201 Colonial Avenue. The building was completely renovated due to the repairs the property required plus to establish a floor plan sufficient for operating law offices. The renovation is complete now and this rezoning is to comply with local laws as far as the new use of the property.

This rezoning is to change Ordinance No. 40,439 under subsection (a) from "1201 Colonial Avenue shall be used only as a retail dollhouse establishment." to "1201 Colonial Avenue shall be used only as a law offices establishment."

This rezoning is to change the use of 1201 Colonial Avenue from it's prior use as a retail dollhouse business to a law offices business. The remaining subsections (b), (c), and (d) will remain unchanged.

This change has been initially approved by Emily Birknes, the president of the Ghent Neighborhood League (GNL), with final approval following a review of our rezoning application and attachments.

  
George Anthony Yancey  
Owner / Attorney

## Pollock, Susan

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**From:** Homewood, George  
**Sent:** Wednesday, July 22, 2015 12:01 PM  
**To:** Newcomb, Leonard; Pollock, Susan  
**Subject:** Fwd: 1201 Colonial Ave. - statement from GNL

George M Homewood, AICP CFM  
Director of City Planning  
Norfolk, VA  
Sent from my iPhone

Begin forwarded message:

**From:** Emily Birknes <[emilybirknes@gmail.com](mailto:emilybirknes@gmail.com)>  
**Date:** July 22, 2015 at 9:50:59 AM EDT  
**To:** George Homewood <[George.Homewood@norfolk.gov](mailto:George.Homewood@norfolk.gov)>  
**Cc:** "Holder, Ian A - NORFOLK VA" <[ian\\_holder@ml.com](mailto:ian_holder@ml.com)>, [legalflyer@aol.com](mailto:legalflyer@aol.com)  
**Subject:** 1201 Colonial Ave. - statement from GNL

Dear George,

The Ghent Neighborhood League supports the application dated 7/13/2015 from Mr. G. Anthony Yancey for his address at 1201 Colonial Ave.

Regards,  
Emily

Emily Birknes  
President, Ghent Neighborhood League